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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/567,270 | 03/23/2006 | Frederic De Moliere | DE MOLIERE ET AL.,-1(PCT) | 9862 |
| 25889 | 7590 | 08/17/2009 | EXAMINER | |
| COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576 | | | FOX, CHARLES A | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3652 | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/567,270 | MOLIERE ET AL. | |
| | Examiner | Art Unit | |
| | Charles A. Fox | 3652 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 May 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 May 2009 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>20090511</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the structure of the non contact power supply as described in the specification. The structure of each and every limitation must be shown in enough detail that an ordinary mechanic would understand what is being claimed and how to build it. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. For example figure 10 of the Boys et al. reference provided by the applicant clearly shows the structure of their contact free power supply. Any structure and reference numeral therefor not previously disclosed will be considered new mater. Also the Figure does not have a Figure number attached. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-9 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The structure of the contact free power supply critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Based upon the disclosure, drawings and the claims it is not possible to determine the structure of the claimed contact free power supply. As such it is not clear what may or may not infringe the instant invention is patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boys et al. in view of Simpkin et al. Regarding claim 9 Boys et al. US 5,293,308 teaches a transport for vehicle bodies along an assembly line wherein power for the transport is transmitted to said transport device in a contact free manner. Boys et al. are

not explicit in how that contact free power is used. Simpkin et al. US 5,207,309 teach an assembly line for vehicles comprising:

a transport (12) for moving the vehicles (11);

a diagnostic device (16) with an electrical interface (19) with the vehicles. It would have been obvious to one of ordinary skill in the art at the time of invention to provide the transport taught by Boys et al. with onboard diagnostics as taught by Simpkin et al. in order to reduce the complexity of the system by providing all transport and test equipment on a single platform sharing a common power source.

Regarding claims 2-4 Boys et al. also teach that a controller for the device which is a host computer. They do not explicitly teach a controller with an electrical interface. Simpkin et al. also teach that the terminal for the electrical interface is activated via a mobile control unit (17) attached to said vehicle body via said electrical interface. It would have been obvious to one of ordinary skill in the art at the time of invention to provide the device taught by Boys et al. with a controller as taught by Simkin et al. such that power may be selectively applied to the vehicle as needed.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boys et al. and Simpkin et al. as applied to claims 9 and 4 above, and further in view of Takakura et al. Boys et al. and Simpkin et al. teach the limitations of claims 9 and 4 as above, they also teach the power for the mobile control device comes from the controller. Movitran also teaches that the system is connected to a centralized host computing system. They do not teach the electrical interface being at any particular part

of the vehicle body. Takakura et al. US 6,237,400 teaches a device for testing a vehicle comprising:

a wireless device (2) for testing a vehicle;

said device wireless controlled and corresponding with a computer (3);

wherein said device connects to a vehicle through a diagnostic connector on said vehicle. It would have been obvious to one of ordinary skill in the art at the time of invention to provide the device taught by Movitran and Simpkin et al. with connection as taught by Takakura et al. in order to allow the device to hook up to a standard connection on the vehicle, thereby decreasing the need for a plurality of differing connection members.

Response to Amendment

The amendments to the claims and specification are acceptable and have been entered into the record. The drawings submitted are also entered into the record but are not acceptable.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection. In the new rejection of claim 9 The boys et al. reference teaches a transfer system with a contact free power supply to a transport device. They do not teach what this power supply is used for other than a drive motor which is connected to the transport device via a terminal of some sort. The secondary reference to Simpkin et al. teaches a test station that operates off of a contact type power feed from an overhead rail to power the test system when it is

connected to a partially assembly vehicle during manufacturing. As such the examiner holds that placing the test device taught by Simpkin et al. on the transfer device taught by Boys et al. would have been obvious to an ordinary mechanic at the time of invention. Therefore the rejections are hereby made final.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached on 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Fox/
Primary Examiner, Art Unit 3652